

**REMARKS/ARGUMENTS**

Applicant's attorneys respectfully request reconsideration and withdrawal of the rejections of the instant application in view of the above amendments and following remarks, which place the application into condition for allowance.

**I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1- 35 are pending in this application. Claim 1 is indeoendent. Claims 2-35 are dependent. Claims 1-22, 25, 26, 29-35 are hereby amended. Applicant's attorneys submit that no new subject matter has been introduced.

Support for these amendments is provided at least at pages 3 and 4 of the Specification as originally filed.

**II. THE REJECTIONS UNDER 35 U.S.C. § 102(b) AND 35 U.S.C. § 103(a)**

In the Office Action, claims 1-17, 20-33 and 35 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,716,350 to Ryan ("Ryan"). Claims 18, 19 and 34 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ryan in view of U.S. Patent No. 5,415,643 to Kolb ("Kolb"). The rejections are respectfully traversed for at least the following reasons.

Claim 1 of the instant invention recites, *inter alia*, an absorptive body and a liquid-impermeable trap portion to temporarily trap the liquid that is to be absorbed by the absorptive body. The Office Action alleges that Ryan discloses "an absorptive product comprising an absorbent body 82 and a liquid-impermeable trap portion 74, as shown in figure 6," although language referring to a trap portion is absent from the reference. Ryan states "[d]eflection shield 74 essentially provides the same function of deflecting urine as previously described for

deflection shield 30. Further, deflection shield 74 provides the function of isolating urine into a distinct compartment when garment 72 is worn. Urine is thereby prevented from flowing posteriorly beyond deflection shield 74, protecting the scrotum and buttocks.” (Ryan at column 4, lines 2-8) Although Ryan recites that the deflection shield isolates urine into a distinct compartment, there is no functional similarity between the recited compartment in Ryan and the trap portion of the instant invention.

As disclosed in the specification of the instant invention at, for example, the last three lines of ¶ [0104], the liquid-impermeable trap portion of the instant invention is provided as a temporary reservoir to hold urine volume. This reservoir is provided for the occasions when the flow of urine exceeds the absorptive speed of the absorptive body. (Instant application, ¶ [0020]). The trap portion will hold the excess urine until the absorptive body fully absorbs the total volume over time.

Further, Ryan discloses that the “[d]eflection shield 74 essentially provides the same function of deflecting urine as previously described for deflection shield 30. Further, deflection shield 74 provides the function of isolating urine into a distinct compartment when garment 72 is worn. Urine is thereby prevented from flowing posteriorly beyond deflection shield 74, protecting the scrotum and buttocks.” (Ryan, column 4, lines 2-8). Previously, Ryan had recited “deflection shield 30 [] serves to deflect urine away from the scrotum 26.” (Ryan, column 2, lines 34-35). By equating the functions of deflection shield 74 and deflection shield 30, the function of deflection shield 74 is specifically to deflect urine away from, and protect, the scrotum. Thus, the deflection shield of Ryan is a deflective and protective device, while the trap portion of the instant invention is a temporary holding device, further distinguishing the two elements.

The Office Action also rejects claims 18, 19, and 34 as allegedly being unpatentable over Ryan in view of Kolb. Kolb recites a composite absorbent structure with a hydrodisintegrative characteristic. Applicant's attorneys respectfully submit that Kolb fails to correct the deficiencies recited in Ryan. Thus, Ryan and Kolb, either alone or in combination, do not teach the instant invention.

For at least the foregoing reasons, it is respectfully submitted that revised claim 1 of the instant invention is patentably distinguished from Ryan because the relied upon portions of the cited reference fails to teach every limitation of the instant invention. Therefore, Applicant's attorneys believe claim 1 to be allowable. Dependent claims 2-35 are allowable therewith.

The Examiner has made of record, but not applied, several documents. The Applicant appreciates the Examiner's implicit finding that these documents, whether considered alone or in combination with others, do not render the claims of the present invention unpatentable.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicant's undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

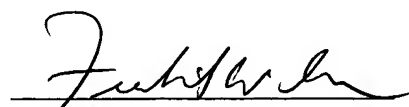
CONCLUSION

In view of the foregoing, it is believed that all of the claims in this application are patentable over the prior art, and an early favorable consideration thereof is solicited.

The Commissioner is authorized to charge any additional fees that may be required to Deposit Account No. 50-0320.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP

By:



Ronald R. Santucci

Reg. No. 28,988

Frederick W. Dour

Reg. No. 39,174

Telephone: (212) 588-0800

Facsimile: (212) 588-0500